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Attorney for Plaintiff, Monica Cervantes

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**MONICA CERVANTES,**

Case No.: 13-353

Plaintiff,

**COMPLAINT;**

FAIR CREDIT REPORTING ACT (15

vs.

USC 1681 *et seq.*)

MACY’S CREDIT AND CUSTOMER  
SERVICES

DEMAND FOR JURY TRIAL

Defendants.

**i. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant’s violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (hereinafter “FCRA”).

**ii. JURISDICTION**

2. Plaintiff’s claim for violations of the FCRA arises under federal law, and therefore involves a “federal question” pursuant to 28 U.S.C. § 1331.

**iii. PARTIES**

3. Plaintiff, Monica Cervantes, (“Plaintiff”), is a natural person residing in Washington County, Oregon.

4. Defendant, Macy's Credit and Customer Services, ("Defendant Macys") is a corporation engaged in the business of extending consumer credit in every state.

#### **iv. FACTUAL ALLEGATIONS**

5. Defendants is a person who furnishes information to consumer reporting agencies as defined by 15 USC §1681s-2.
6. Plaintiff is a "consumer" as defined by the FCRA, 15 U.S.C. §1681a(c).
7. Within the last 2 years preceding the filing of this Complaint, Defendant took multiple actions that violated the provisions of the FCRA including the following.
8. Defendant failed to conduct information furnished by Plaintiff, and despite Plaintiff having provided the necessary detail in her dispute to alert Defendants to the nature of her dispute and the validity thereof, Defendants continued to willfully report inaccurately that Plaintiff owed an outstanding debt on two accounts that was her husband's debt and not her debt – disseminating false information.
9. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, ability to get credit/cost of credit, job search (she works in the financial industry), personal humiliation, embarrassment, mental anguish and severe emotional distress.
10. Defendant intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish, loss of work and credit, and severe emotional distress.
11. Defendant's actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.
12. To the extent Defendant's actions, detailed in paragraphs above, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

#### **COUNT I: NEGLIGENT VIOLATION OF FAIR CREDIT REPORTING ACT**

13. Plaintiff reincorporates by reference all of the preceding paragraphs.
14. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FCRA, § 1681o.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against all three of the Defendants for the following:

- A. Declaratory judgment that Defendant's conduct violated the FCRA,
- B. Actual damages or \$1,000, whichever is greater,
- C. Costs, disbursements and reasonable attorney's fees; and,
- D. For such other and further relief as may be just and proper.

**COUNT II: INTENTIONAL VIOLATION OF FAIR CREDIT REPORTING ACT**

- 15. Plaintiff reincorporates by reference all of the preceding paragraphs.
- 16. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FCRA, § 1681n.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against all three of the Defendants for the following:

- A. Declaratory judgment that Defendant's conduct violated the FCRA,
- B. Actual damages or \$1,000, whichever is greater,
- C. Costs, disbursements and reasonable attorney's fees; and
- D. For such other and further relief as may be just and proper.

Dated this 1<sup>st</sup> day of March, 2013.

/s/ Sandy N. Webb

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